

STATE OF KANSAS

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GOVERNOR JEFF COLYER, M.D.
ERIK WISNER, EXECUTIVE DIRECTOR

MEMO

FROM: KREC Staff
DATE: May 21, 2018
RE: Open Record Fees

FEES: The Kansas Open Records Act (KORA), K.S.A. 45-215 *et seq.*, allows a state agency to require advance payment for actual costs associated with producing records. Record requests that can be provided with less than one hour of staff time or fewer than 100 pages (pursuant to Executive Order 18-05) will be provided to Kansas residents at no charge. For requests from Kansas residents that exceed that amount, and for all requests from non-Kansas residents, the following rates shall apply: **COPIES**, \$0.25 per page for paper copies and \$.125 per page for electronic copies; **MAILING**, \$0.50 for first 5 pages, \$0.25 for additional 5-page increments; **FAX**, \$0.65 per 10-page fax.

STAFF TIME: Will be charged at the rate of pay for each person(s) whose time is used in order to assist and/or respond to a specific request. This may include the time spent to access records maintained on computer facilities, review records to determine whether closure exceptions apply, and/or redact open from closed information. Attorney time will be charged at \$60 per hour. Clerical time will be charged at \$18 per hour. Information Technology (IT) services will be charged at \$38 per hour.

ADDITIONAL FEES: Any other actual costs incurred by KREC in connection with complying with a record request may be assessed to the requester. The agency will provide an estimate of the fees which shall be paid prior to the agency gathering the records. However, in order to assure payment, the final cost of providing access to or furnishing copies must be paid before the records are provided. If the final cost is less than the estimate, the requester will be reimbursed for the difference.

WRITTEN REQUEST: KREC may require that requests for access to or copies of records be made in writing, in order to adequately document the request and clarify exactly what records are being sought. All requests for records shall state the requester's name, mailing address, and a contact phone number. The requester should provide detailed information about the records being requested in order to aid the staff in determining if such records exist and are possessed by the agency. Requests for records not yet in existence, requests for documents to be created prospectively, or requests that require a new document to be created specifically in response to the request shall be declined.

FAXING AND AIR EXPRESS DELIVERY: Generally, records may be faxed if the request is for fewer than 15 pages and fax time and facilities are readily available. If express delivery is requested, the requester shall arrange for pickup and packaging of the records, and all associated costs for such

delivery shall be paid by the requester. The record custodian has sole discretion as to whether to honor requests for faxing or express delivery.

REQUESTS FOR ELECTRONIC FORMAT RECORDS: The record custodian will be the sole judge of the ability of the agency to comply with any record requests for the records to be provided in electronic format or for records that must be produced in any special computer-generated format.

RESPONSE TIME: The agency will act upon requests as soon as possible, with an acknowledgement of the request sent to the requester no later than the third business day following the receipt of the request. If it appears that additional time will be needed, fees will be assessed, or some of the records may be closed by law, then a written response will be provided as soon as the records have been located and reviewed.

CONFIDENTIAL INFORMATION: The Kansas Open Records Act, K.S.A. 45-215 *et seq.*, allows a state agency to withhold certain records or portions of records from public disclosure. In cases where a records request includes records that contain confidential information, the KREC will first redact the responsive records to ensure that no confidential information is released. Depending on the nature of the request, these redactions may require review from the KREC's attorney. If records are redacted, the KREC will inform the person making the request of which records, or portions of records, have been redacted.